

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID G. JEEP,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:09-CV-831 CAS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on petitioner David G. Jeep's post-dismissal motion to disqualify me from this matter or for recusal, and his request to disqualify Judge Adelman from his criminal matter, United States v. David Gerard Jeep, 4:09-MJ-1052 TIA.

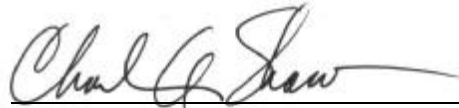
Because a motion to disqualify a judge must be decided by the same judge whose impartiality is being questioned,<sup>1</sup> the undersigned will not issue any ruling on petitioner's request to disqualify Judge Adelman from petitioner's criminal proceedings. With respect to the motion to disqualify or for recusal of the undersigned in this habeas matter, petitioner has failed to articulate a valid reason why I should disqualify or recuse myself from this matter and vacate my previous Order of Dismissal. Because there is no basis for my disqualification or recusal in this matter, petitioner's motion to disqualify or for recusal will be denied.

---

<sup>1</sup>See In re Bernard, 31 F.3d 842, 843 (9th Cir. 1994); United States v. Balistrieri, 779 F.2d 1191, 1202-03 (7th Cir. 1985) ("Section 455 clearly contemplates that decisions with respect to disqualification should be made by the judge sitting in the case, and not by another judge. It requires the judge to *disqualify himself* when any one of the statutory conditions is met. It makes no provision for the transfer of the issue to another judge.")

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion to disqualify or for recusal of the undersigned is **DENIED**. [Doc. 11]

  
\_\_\_\_\_  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 14th day of July, 2009.